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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,219	11/09/2001	James B. Goddard	AES 107 P2	5658
22852	7590	12/16/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			COLLINS, GIOVANNA M	
		ART UNIT	PAPER NUMBER	
		3672		

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/037,219	GODDARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Giovanna M. Collins	3672	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 September 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 18-25 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-25 and 27-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/9/01 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 18-25,27-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant as originally does not disclose the reinforcing material has a non adjustable circumference, a non adjustable band, or has a substantially fixed circumference as recited in claims 18, 25, 29 and 30. The applicant also does not disclose a substantially non expandable adhesive layer or material as recited in claims 31 and 36. The specification states the reinforcing band can be tape, adhesive layer or coating but does not state that these materials have nonadjustable, fixed circumferences or are nonexpanding.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 18-23, 27,28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard ('209) in view of Webb et al. '477 and Cude et al. '121.

Referring to claim 18,30-32,34 and 36, Goddard discloses in a corrugated pipe comprising two sections joined by telescopically mating a male end of one section with a female end of the other section, the improvement comprising an annular sealing element (60) fixed to the exterior surface of the male end and disposed to sealingly engage the interior surface of the female end; Goddard does not disclose an annular band of reinforcing material disposed around the exterior surface that is in general alignment with the sealing element. Webb teaches (see Fig. 8) placing an annular clamp (98) around an exterior surface that is in general alignment with a sealing element (97) where the reinforcing element has a width no substantially greater than a single corrugation. Webb teaches the clamp helps the sealing element maintain sealing engagement with two surfaces (see col. 7, lines 28-31). Cude teaches (fig. 4) that tape which has a nonadjustable, fixed circumference and can be used to sealingly secure a fitting to a cable sheath against pressure applied to the inside of the cable (col. 2, lines 48). Cude also teaches that tape is a art recognized equivalent for a clamp in securing two elements together (col. 2, lines 49-50). As it would be advantageous to maintain sealing engagement between the two pipe sections and tape is art recognized equivalent for a clamp, it would be obvious to one of ordinary skill in the art to modify the pipe disclosed by Goddard to have reinforcing band of tape in general alignment with the sealing element in view of the teachings of Webb and Cude.

Referring to claims 19 and 33, Goddard discloses wherein the annular sealing element (60) is disposed in an annular channel in the outer surface of the male end.

Referring to claim 20, Goddard discloses wherein each section includes opposed male and female ends (18,20) and the outside pipe diameter of each section between its respective male and female ends is substantially the same.

Referring to claim 21, Goddard discloses wherein the outside diameter of the female end (20) of each section is substantially the same as the outside pipe diameter.

Referring to claim 22, Goddard discloses wherein the male end includes at least two corrugations (32,42) comprising at least two axially spaced, annular crests and an annular valley therebetween, the two crests defining the outside diameter of the male end, and wherein the annular channel (55) is formed in one of the crests.

Referring to claim 23, Goddard discloses wherein the outside diameter of the male end (18) is selected to permit mating and sealing engagement with the female end (20).

Referring to claim 27, Goddard discloses wherein the male end also includes a second corrugation (32) that can be accommodated in the female end.

Referring to claim 28, Goddard discloses wherein the female end (20) includes a distal end into which the male end is inserted, and a third corrugation (42) with a crest that extends radially outwardly at least as far as the distal end of the female end.

Referring to claim 35, Goodard discloses the female end includes at least one guide (at 80) for maintaining the ring in radial alignment with the gasket.

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2. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard ('209) in view of Webb '477 and Cude '121 as applied to claim 22 above, and further in view of European Patent EP595742 to Courant.

Goddard, as modified, does not disclose an intermediate corrugation that has an outside diameter greater than the outside diameter of the male end. Courant teaches (see Fig. 10) a pipe having an intermediate corrugation (23a) that has an outside diameter greater than the outside diameter of a male end. Courant teaches the larger diameter of the intermediate corrugation allows the intermediate to have better engagement with the female end of a second pipe (see Fig. 11). As it would be advantageous for the two pipes being connected to have a good engagement with each other, it would be obvious to one of ordinary skill in the art to further modify the pipe disclosed by Goddard, as modified by Webb and Cude, to have an intermediate corrugation that has an outside diameter greater than the outside diameter of the male end as taught by Courant.

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard ('209) in view of Kesterman et al. 6,371,154 and Cude '121.

Goddard discloses a corrugated pipe for accommodating fluid flow, the pipe consisting of a material that deforms in response to internal water pressure and including two sections joined by telescopically mating a male end of one section with a female end of the other section, the improvement comprising an annular sealing element (60) fixed to the exterior surface of the male end and disposed to sealingly

engage the interior surface of the female end. Goddard does not disclose an annular reinforcement disposed around the exterior surface of the female end, the annular reinforcement having a width that is greater than the width of the sealing element and is disposed substantially upstream from the sealing element to resist loss of sealing engagement between the female end and the sealing element during use of the pipe. Kesterman teaches (see Fig. 6a) placing an annular clamp (100) around an exterior surface having a width greater than the width of a sealing element (104) but not substantially greater than a single corrugation. The annular band helps the sealing element maintain sealing engagement with two surfaces. Cude teaches (fig. 4) that tape which has a nonadjustable, fixed circumference and can be used to sealingly secure a fitting to a cable sheath against pressure applied to the inside of the cable (col. 2, lines 48). Cude also teaches that tape is a art recognized equivalent for a clamp in securing two elements together (col. 2, lines 49-50). As it would be advantageous to maintain sealing engagement between the two pipe sections and tape is art recognized equivalent for a clamp, it would be obvious to one of ordinary skill in the art to modify the pipe disclosed by Goddard to have an annular band of tape disposed upstream from the sealing element in view of the teaches Kesterman and Cude.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18-25 and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*One*  
gmc

  
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